

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20412
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EVERETT LEWIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CR-336-ALL

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Everett Lewis appeals from his guilty-plea conviction for possession of ammunition by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). Lewis argues that the district court erred in treating his prior state jail felony conviction for possession of less than one gram of cocaine as a "crime punishable by imprisonment for a term exceeding one year" within the meaning of 18 U.S.C. § 922(g)(1). Lewis' prior conviction

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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qualified as a predicate offense for his felon-in-possession conviction. See United States v. Caicedo-Cuero, 312 F.3d 697, 705-06 (5th Cir. 2002), cert. denied, 123 S. Ct. 1948 (2003).

Lewis further argues that 18 U.S.C. § 922(g)(1) violates the Second Amendment, the Commerce Clause, and the Equal Protection Clause. Lewis' challenges to the constitutionality of the statute are foreclosed by circuit precedent. United States v. Darrington, ___F.3d___, No. 03-20052, 2003 WL 22706079, at **1-4 (5th Cir. Nov. 18, 2003).

AFFIRMED.